

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**ELLIS TURNAGE, ON BEHALF OF  
HIMSELF AND ALL OTHERS SIMILARLY  
SITUATED LOAN APPLICANTS AND BORROWERS**

**PLAINTIFFS**

**V.**

**CIVIL ACTION NO. 4:13-cv-00145-JMV**

**CLEVELAND STATE BANK;  
CHARLOTTE EDWARDS, DANNY WHALEN  
AND CALVIN DYE, INDIVIDUALLY AND IN  
THEIR OFFICIAL CAPACITIES AS LOAN COMMITTEE MEMBERS AND  
OFFICERS; AND  
JOHN DOES 1-5**

**DEFENDANTS**

**ORDER GRANTING DEFENDANTS' EMERGENCY MOTION TO SEAL  
DOCUMENTS**

THIS CAUSE having come before the Court on the Defendants' Emergency Motion to Seal Documents is well taken and should be granted for the following reasons:

1. The Subpoena to Produce Documents and Information attached as Exhibit 1 to Plaintiffs' Motion for Additional Time to Designate Expert Witnesses [Doc. 33] should be filed under seal because Cleveland State Bank's interest in the nondisclosures of its customers' nonpublic information, which includes their names, outweighs the public's right to access this information. Gramm-Leach-Bliley Act, 15 U.S.C. § 6801 and 313.1; Miss. Code Ann. § 81-5-55.

2. The Fair Lending Reports attached as Exhibit 2 to Plaintiffs' Motion for Additional Time to Designate Expert Witnesses [Doc. 33] should be filed under seal because Cleveland State Bank's interest in the nondisclosure of the Fair Lending Reports, which contain the Bank's sensitive financial and proprietary information as well as its customer's confidential

nonpublic information, outweighs the public's right to access these documents. Udoewa v. Plus4 Credit Union, 754 F.Supp.2d 850, 883-84 (S.D. Tex., 2010); Cooper Tires and Rubber Co. v. Farese, 2009 WL 514071, at \*1 (N.D. Miss. Feb. 27, 2009); Moore v. State Farm Mutual Automobile Ins. Co., 2005 WL 399395 (E.D. La. Feb. 14, 2005).

**IT IS, THEREFORE, ORDERED** that Defendants' Motion to Seal Documents is hereby **GRANTED**. The previously filed Exhibits 1 and 2 of Plaintiffs' Motion for Additional Time to Designate Expert Witnesses [Doc. 33] will be removed from the public record and maintained by the Court under seal. Additionally, Plaintiffs are ordered to pay Defendants' attorneys' fees, which the details of such will be fully addressed by a forthcoming order of the court.

**SO ORDERED** this, the 16th day of September, 2014.

/s/Jane M. Virden  

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UNITED STATES MAGISTRATE JUDGE